

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6849 of 2017

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Md. Kalimullah, son of Late Md. Azeem, resident of at+P.O.- Phulwarisharif, P.S.-
Phulwarisharif, District- Patna- 801505.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Planning and Development Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief (Centre), Water Resources Department, Government of Bihar, Patna.
5. The Joint Secretary, Planning and Development Department, Govt. of Bihar, Patna.
6. The Accountant General, Govt. of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Adv.

For the Respondent/s : Mr. H.S.Roy, AC to A.G.

For the Accountant General: Mr. Kameshwar Prasad Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 14-12-2017

Heard Mr. Kumar Kaushik, learned counsel for the petitioner, Mr. Hari Shankar Roy, learned AC to AG and Mr. K.P.Gupta, learned counsel for the Accountant General.

The petitioner is aggrieved by the notification bearing Memo No. 2965 dated 13.6.2016, a copy of which is impugned at Annexure P2 to the writ petition, whereby a disciplinary proceeding initiated against the petitioner under the provisions of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Rules') has been converted in a proceeding under Rule 43(b) of the Bihar Pension Rules (hereinafter referred to as 'the



Pension Rules') consequent upon superannuation of the petitioner on 29.2.2016.

While Mr. Kaushik, learned counsel appearing for the petitioner, has tried hard to question the conversion of the proceedings on statutory as well as on jurisdictional ground, as according to him, the orders are not in tune with the statutory provisions but he also informs that after conversion a second show cause was served on the petitioner on 28.7.2016 vide Annexure P3 to which he has responded vide Annexures P4 and P4/1 but thereafter the matter is resting at that stage with no order being passed.

Since the facts on record would confirm that the proceeding initiated against the petitioner since after its conversion under 'the Pension Rules' has reached its final stage where only a final order is to be passed by the State, I for the present, without expressing any opinion on the merits of contest raised in the writ petition, deem it proper to direct respondents no. 1 and 2 to take expeditious steps for disposal of the matter by passing a final order on the proceeding within a period of four weeks of the receipt/ production of a copy of this order.

It goes without saying that since this Court has disposed of the matter without expressing any opinion on the merits of the contentions raised, the petitioner would be at liberty to raise the same



at the appropriate stage.

The writ petition is disposed of with the aforementioned observations and directions.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.01.2018
Transmission Date	NA

